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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/568,973

**Applicant(s)**

PABST, MICHAEL J.

**Examiner**

KISHIN G. BELANI

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/02/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

**Claim 20** is objected to because of the following informalities:

On line 17 of the claim text, change "interface" to – interface --.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent**

**Publication # 7,313,130 B2** and further in view of **Lawrence (U.S. Patent Publication # 6,825,196 B1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)**.

Consider **claim 15**, Murray et al. show and disclose a method for establishing a virtual electronic teaching system **with a central content-server for an e-learning or tele-teaching event and with a workstation (AP) of a person participating in the e-learning or tele-teaching event**, utilizing a telecommunication network for connection to **said content-server** (Abstract that discloses a distance learning method as a client/server implementation with remote client facilities; Fig. 1 that shows a Central Office 10 that provides learning resources (mainframes 12 and 14 (**i.e. central content-servers**), storage 16 and router 20 with interface circuits that provide connections to remote stations 32 (**i.e. workstation AP**)); column 2, line 60 through column 3, line 27 disclose configuring multiple remote training facilities to make them portable and provide the online experience to students when using a real-time environment of a host system using ISDN telecommunication technology); and an interface circuit (SS) connectable **to the telecommunication device (TE) or** to the workstation (AP) (Fig. 1, router 20 and remote workstations 32 connected to the ISDN network 36 via remote hub router 34 (interface circuit **SS**); column 4, lines 37-45 which disclose that the router 20 provides support for a wide variety of protocols and network

media between the central facilities resources and the remote sites where students and teachers participate in an e-learning or tele-teaching event);

**registering the interface circuit (SS) to said content-server by means of a login procedure stores in the memory unit (SP)** (column 6, lines 1-30 that describe login procedures for each of the three types of content-servers (mainframes 12, NT servers 14, and UNIX servers 14) required to register remote laptop 32 users (see Fig. 1));

establishing a connection **for the telecommunication device (TE) connected to said main distribution via a subscriber line or subscriber modem and splitter or a network termination (NTBA) and subscriber lines (AL)**, between the interface circuit (SS) and **said content-server** (Fig. 1; column 4, lines 37-45 which disclose that the router 20 provides support for a wide variety of protocols and network media between the central facilities resources and the remote sites; further disclosing that the router comprises network interfaces resident on port adapters, that provide a connection between the router's Peripheral Component Interconnect (PCI) busses and external networks, supporting plurality of interfaces, such as Ethernet, Token Ring, FDDI, ATM, serial, ISDN, and HSST, thereby disclosing establishing a connection **for the telecommunication device (TE, considered by the examiner to be part of the hub router 34) connected to said main distribution (ISDN cloud) via a subscriber line (ISDN line 36 in Fig. 1) between the interface circuit (hub router 34 corresponding to SS) and the content-servers 12-14; column 6, lines 1-30 disclose the same details).**

However, Murray et al. do not specifically show or disclose a telecommunication network having a main distribution connected to an exchange with an access multiplexer **and a splitter or a splitter** connected to or integrated in the main distribution, **and** with analog or digital telecommunication devices (TE), and an interface circuit (SS) connectable to the telecommunication device (TE) **or to the workstation (AP), the interface circuit (SS) has a memory unit (SP) and a microprocessor (MP), and for automatic test done by the interface circuit (SS)** (Note: Even though Murray et al. do not show that the interface circuit (SS) corresponding to hub router 34 has a memory unit (SP) and a microprocessor (MP), it is a well known fact that any router would necessarily include a memory and a processor in order to function as a router; furthermore the additional text “and for automatic test done by the interface circuit (SS)” appears to be unrelated residual text that makes no sense in the context of the claim), the method comprises the steps of: determining, a type of connection pending on the **communication interface (MFE) of the interface circuit (SS)**; transmitting **at least one in the memory unit (SP)** a stored test signal to the **content-server**; evaluating an acknowledgement **for the test information received there** returned, in a return direction, by the **content-server**; and testing **at least** a bandwidth available to the telecommunication device (TE).

In the same field of endeavor, Redfern shows and discloses the claimed method, further comprising a telecommunication network having a main distribution connected to an exchange with an access multiplexer **and a splitter or a splitter** connected to or integrated in the main distribution, **and** with analog or digital telecommunication devices

(TE), and an interface circuit (SS) connectable to the telecommunication device (TE), **or to the workstation (AP)** (Figs. 1a and 1b that show a telecommunication network (PSTN 205 and Internet 208) having a main distribution (101) connected to an exchange (Central Office 200) and with an access multiplexer **and a splitter (DSLAM 207 and POTS splitter 201) or a splitter (POTS Splitter 201)** connected to or integrated in the main distribution, and with analog or digital telecommunication devices (TE) (in Fig. 1b, phone 105), and an interface circuit (SS) (in Fig. 1b, POTS Splitter 102) connectable to the telecommunication device (TE) (in Fig. 1b, phone 105) **or to the workstation (AP)** (in Fig. 1b, computer 104); column 3, lines 29-58 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a telecommunication network having a main distribution connected to an exchange with an access multiplexer and a splitter or a splitter connected to or integrated in the main distribution, and with analog or digital telecommunication devices (TE), and an interface circuit (SS) connectable to the telecommunication device (TE), or to the workstation (AP), as taught by Redfern, in the method of Murray et al., so as to provide cost-effective network connectivity to remotely distributed stations.

However, Murray et al., as modified by Redfern, do not specifically show that **the interface circuit (SS) has a memory unit (SP) and a microprocessor (MP), and for automatic test done by the interface circuit (SS)**, and the steps of determining, a type of connection pending on the **communications** interface (**MFE**) of the interface

circuit **(SS)**; transmitting **at least one in the memory unit (SP)** a stored test signal to the **content-server**; evaluating an acknowledgement **for the test information received there** returned, in a return direction, by the **content-server**; and testing **at least** a bandwidth available to the telecommunication device (TE).

In the same field of endeavor, Lawrence shows and discloses the claimed method, including determining, a type of connection pending on the **communications interface (MFE) of the interface circuit (SS)** (Abstract that discloses a data switching system that allows any arbitrary types of connections to be established over arbitrary link types; further disclosing a connection routing and signaling controller that determines routes for connection over any link types; column 2, lines 36-44 and column 5, lines 31-39 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine, a type of connection pending on the communications interface of the interface circuit, as taught by Lawrence, in the method of Murray et al., as modified by Redfern, so as to set up a matching protocol to support the connection.

However, Murray et al., as modified by Redfern and Lawrence, do not specifically show or disclose that **the interface circuit (SS) has a memory unit (SP) and a microprocessor (MP), and for automatic test done by the interface circuit (SS)**, and the steps of transmitting **at least one in the memory unit (SP)** a stored test signal to the **content-server**; evaluating an acknowledgement **for the test information**



**received there** returned, in a return direction, by the **content-server**; and testing **at least** a bandwidth available to the telecommunication device (TE).

In the same field of endeavor, Kukic shows and discloses the claimed method, including the steps of transmitting **at least one in the memory unit (SP)** a stored test signal to the **content-server** (Fig. 1 that shows a transmitter 24 and a receiver 36; paragraph 0011 which discloses a method for determining link characteristics in order to calculate the optimal data rate for a group of links, by transmitting a test signal over the link); and

evaluating an acknowledgement **for the test information received there** returned, in a return direction, by the **content-server** (paragraph 0011 which further discloses a receiver for assisting in determining the characteristics of the link being tested based on the characteristics of the test signal received at the receiver, and a processor for determining the optimal transmission rate based on the characteristics of the links).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit at least one in the memory unit (SP) a stored test signal to the content-server; and evaluate an acknowledgement for the test information received there returned, in a return direction, by the content-server, as taught by Kukic, in the method of Murray et al., as modified by Redfern and Lawrence, so as to determine the data rate the remote station is capable of handling.

However, Murray et al., as modified by Redfern, Lawrence and Kukic, do not specifically show or disclose that **the interface circuit (SS) has a memory unit (SP) and a microprocessor (MP), and for automatic test done by the interface circuit**

**(SS), and** the step of testing **at least** a bandwidth available to the telecommunication device (TE).

In the same field of endeavor, Kloninger et al. show and disclose the claimed method, including showing that ***the interface circuit (SS) has a memory unit (SP) and a microprocessor (MP), and for automatic test done by the interface circuit (SS),*** **and** the step of testing **at least** a bandwidth available to the telecommunication device (Fig. 1A that shows a central controller 106 acting as the interface circuit with memory 106 to store test measurements and a policy engine 120 that includes a microprocessor to process test measurements; paragraphs 0031 and 0035 disclose the same details; paragraph 0002 that discloses streaming e-learning applications; Fig. 1A that shows a Test Agent 124; paragraph 0026 which discloses that the test agent 124 may provide RTSP and WMS streaming tests, which are useful in determining overall stream quality and bandwidth available for streaming).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an interface circuit with a memory unit and a microprocessor, and for automatic test done by the interface circuit, and the step of testing at least a bandwidth available to the telecommunication device, as taught by Kloninger et al., in the method of Murray et al., as modified by Redfern, Lawrence and Kukic, so as to determine the data rate the content-server is capable of handling.

**Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent**

**Publication # 7,313,130 B2)** and further in view of **Lawrence (U.S. Patent Publication # 6,825,196 B1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Hughes et al. (U.S. Patent Publication # 6,434,612 B1).**

Consider **claim 16, and as applied to claim 15 above**, Murray et al., as modified by Redfern, Lawrence, Kukic and Kloninger et al., show and disclose the claimed method, except wherein the interface circuit **(SS)** tests all available protocols in communication with **said content server as a** remote station and adjusts itself to a protocol proposed by the remote station.

In the same field of endeavor, Hughes et al. disclose the claimed method, wherein the interface circuit tests all available protocols in communication with **said content-server as a** remote station and adjusts itself to a protocol proposed by the remote station (column 12, lines 55-62 which disclose that a master controlling connections on a VSI (Virtual Switch Interface) is required to select the version of the VSI protocol used by the slaves; further disclosing that when a new slave is discovered by the master, or when the slave is restarted, the master reads the VSI protocol version that the slave can use and selects the best one, choosing the highest version that is common to all other slaves and the master, thereby disclosing that the interface circuit tests all available protocols in communication with **said content-server as** the remote station and adjusts itself to a protocol proposed by the remote station).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to test all available protocols in communication with said content-server as the remote station and adjust the interface circuit to a protocol proposed by the remote station, as taught by Hughes et al., in the method of Murray et al., as modified by Redfern, Lawrence, Kukic and Kloninger et al., so as to match the capabilities of limited capacity remote stations.

**Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Lawrence (U.S. Patent Publication # 6,825,196 B1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Moutafov (U.S. Patent Application Publication # 2003/0225889 A1)**.

Consider **claim 17**, and as it applies to **claim 15 above**, Murray et al., as modified by Redfern, Lawrence, Kukic, Kloninger et al., show and disclose the claimed method, except wherein, in order to avoid time out problems, the interface circuit (SS) emits a message confirming complete reception of data **obtained by said content-server** so that the workstation (**AP**) remains in the tele-teaching or e-learning event, even though broadband transmission is not possible.

In the same field of endeavor, Moutafov disclose the claimed method, including wherein, in order to avoid time out problems, the interface circuit (SS) emits a message confirming complete reception of data **obtained by said content-server** so that the workstation remains in the tele-teaching or e-learning event, even though broadband transmission is not possible (paragraphs 0043 and 0049 which disclose that HTTP infrastructure will time out idle connections, therefore, in order to provide an unlimited connection time, when no traffic has been sent on a respective channel, the sending party sends a small no-op packet to keep the connection alive).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to let, in order to avoid time out problems, the interface circuit (SS) emits a message confirming complete reception of data obtained by said content-server so that the workstation remains in the tele-teaching or e-learning event, even though broadband transmission is not possible, as taught by Moutafov, in the method of Murray et al., as modified by Redfern, Lawrence, Kucic and Kloninger et al., so as to keep the connection between the transmitting and the receiving stations alive, even during long pauses of inactivity.

Consider **claim 18**, and **as it applies to claim 17 above**, Murray et al., as modified by Redfern, Lawrence, Kucic, Kloninger et al. and Moutafov, further disclose the claimed method, wherein said data comprises an image file (in Murray et al. reference, column 1, line 23 through column 2, line 26, that disclose Interactive

Distance Learning (IDL) using videoconferencing networks, Microsoft's NetMeeting using audio and video (image) data).

**Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Lawrence (U.S. Patent Publication # 6,825,196 B1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Nessett et al. (U.S. Patent Publication # 5,742,759)**.

Consider **claim 19**, and as it applies to **claim 15** above, Murray et al., as modified by Redfern, Lawrence, Kukic, Kloninger et al., show and disclose the claimed method, *including recording the login procedure* (in Murray et al. reference, **Fig. 1, Winframe server 15; column 6, lines 16-30** which disclose that a request to login session is sent through the remote router 34, through the ISDN line 36 to the Winframe server 15, where the client software logs into an account; further disclosing that the account information is maintained on each of the remote laptops (i.e. workstations AP), thereby disclosing recording the login procedure).

However, Murray et al., as modified by Redfern, Lawrence, Kukic, Kloninger et al., do not explicitly disclose storing an access authorization in *said memory unit (SP)*

**of** the interface circuit (**SS**) to secure establishment of the connection and the test process against unauthorized access.

In the same field of endeavor, Nessett et al. disclose the claimed method, further comprising storing an access authorization in **said memory unit (SP) of** the interface circuit to secure establishment of the connection and the test process against unauthorized access (abstract that describes a method for securely controlling access to resources in a distributed computer system, by storing and binding a group identification (e.g. an ACL or Access Control List) to a target object (e.g. a connection or a test process) and then using membership checking to determine whether a client object which requests access to the target object is a member of a group with access rights to the target object).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to store an access authorization in said memory unit (SP) of the interface circuit to secure establishment of the connection and the test process against unauthorized access, as taught by Nessett et al., in the method of Murray et al., as modified by Redfern, Lawrence, Kucic and Kloninger et al., so as to provide a secure method for controlling access to resources in a distributed computing system.

**Claims 20 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Kloninger et al. (U.S.**

**Patent Application Publication # 2004/0073596 A1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1).**

Consider **claim 20**, Murray et al. show and disclose a virtual electronic teaching system, **with a central content-server for an e-learning or tele-teaching event and with a workstation (AP) of a person participating in the e-learning or tele-teaching event**, using a telecommunication network connected to **said content-server** (Abstract that discloses a distance learning system as a client/server implementation with remote client facilities; Fig. 1 that shows a Central Office 10 that provides learning resources (mainframes 12 and 14 **as central content-servers**, storage 16 and router 20 with interface circuits (**router 34**) that provide connections to **workstations (AP)** (remote stations 32) **of a person participating in the e-learning or tele-teaching event**; column 2, line 60 through column 3, line 27 disclose configuring multiple remote training facilities to make them portable and provide the online experience to students when using a real-time environment of a host system using ISDN telecommunication technology);

wherein the interface circuit, **connected via at least a standardize interface (SS), registers itself to said content-server by means of the login procedure stored in the memory unit (SP)** (Fig. 1 that shows a remote hub router 34 (interface circuit) connected via a standardize interface; column 6, lines 1-30 which describe how the client software registers itself to content-servers 12 (mainframes) and 14 (NT



**servers and UNIX servers) by means of login procedures stored in the memory of laptops and Winframe servers).**

However, Murray et al. do not specifically disclose a telecommunication network with a main distribution connected to an exchange (VST) and an access multiplexer **and a splitter or a splitter** connected to or integrated in the main distribution, the system comprising an analog or digital telecommunication device (**TE**); and an interface circuit (**SS**) **with a memory unit (SP) and a microprocessor (MP)**, structured and dimensioned for connection to said telecommunication device (**TE**), a first end of said interface circuit being connected to the main distribution via a subscriber circuit **or a subscriber modem and a splitter, or a network termination (NTBA) or subscriber lines (AL)** and a second end of said interface circuit being connected **to** said workstation (**AP**), wherein the interface circuit **automatically** tests **at least** a bandwidth available to the telecommunication device (**TE**) **by transmitting at least one test signal stored in the memory unit (SP) to said-content server.**

In the same field of endeavor, Redfern shows and discloses the claimed system, further comprising a main distribution connected to an exchange (VST) and an access multiplexer **and a splitter or a splitter** connected to or integrated in the main distribution, the system comprising an analog or digital telecommunication device (**TE**); and an interface circuit (**SS**) structured and dimensioned for connection to said telecommunication device (**TE**), a first end of said interface circuit being connected to the main distribution via a subscriber circuit **or a subscriber modem and a splitter, or a network termination (NTBA) or subscriber lines (AL)** and a second end of said interface

circuit (**SS**) being connected **to** said workstation (**AP**) (Figs. 1a and 1b that show a telecommunication network (PSTN 205 and Internet 208) with a main distribution (101) connected to an exchange (Central Office 200) and an access multiplexer (DSLAM 207) **and a splitter (POTS Splitter 201), or a splitter (POTS Splitter 201) connected to or integrated in the main distribution, the system further comprising an analog or digital telecommunication device (in Fig. 1b, phone 105), and an interface circuit (in Fig. 1b, POTS splitter 102) structured and dimensioned for connection to said telecommunication device, a first end of said interface circuit being connected to the main distribution via a subscriber circuit (ADSL circuit using twisted pair 101 shown in Figs. 1a-1b), or a subscriber modem (included in the ATU-R 103) and a splitter (POTS Splitter 102 in Fig. 1b, and 201 in Fig. 1a), or a network termination (NTBA) (ATU-C Termination Units 206 shown in Fig. 1a), or subscriber lines (AL) (lines 202 and 203 shown in Fig. 1a); column 3, lines 29-58 disclose the same details), and a second end of said interface circuit being connected to said workstation (Fig. 1b that shows the second end of the POTS splitter 102 connected to workstation 104 through a termination unit 103; column 3, lines 29-58 disclose the same details).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a telecommunication network with a main distribution connected to an exchange (VST) and an access multiplexer and a splitter, or a splitter connected to or integrated in the main distribution, the system comprising an analog or digital telecommunication device; and an interface circuit structured and dimensioned for connection to said telecommunication device, a first end of said

interface circuit being connected to the main distribution via a subscriber circuit, or a subscriber modem and a splitter, or a network termination (NTBA), or subscriber lines (AL) and a second end of said interface circuit being connected to said workstation, as taught by Redfern, in the system of Murray et al., so as to provide cost-effective network connectivity to remotely distributed stations.

However, Murray et al., as modified by Redfern, do not specifically disclose that the ***interface circuit includes a memory unit and a microprocessor***, and that the interface unit automatically tests ***at least*** a bandwidth available to the telecommunication device ***by transmitting at least one test signal stored in the memory unit to said content-server***.

In the same field of endeavor, Kloninger et al. show and disclose the claimed system, wherein the interface circuit ***includes a memory unit and a microprocessor*** (Fig. 1A that shows a central controller 106 acting as the interface circuit with memory 106 to store test measurements and a policy engine 120 that includes a microprocessor to process test measurements; paragraphs 0031 and 0035 disclose the same details), and the interface unit automatically tests ***at least*** a bandwidth available to the telecommunication device (paragraph 0002 that discloses streaming e-learning applications; Fig. 1A that shows a Test Agent 124; paragraph 0026 which discloses that the test agent 124 may automatically provide RTSP and WMS streaming tests, which are useful in determining overall stream quality and bandwidth available for streaming).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an interface circuit that includes a memory unit and a microprocessor, and the interface unit automatically tests at least a bandwidth available to the telecommunication device, as taught by Kloninger et al., in the system of Murray et al., as modified by Redfern, so as to determine the data rate the remote station is capable of handling.

However, Murray et al., as modified by Redfern and Kloninger et al., do not specifically show or disclose that ***the interface circuit*** transmits ***at least one*** test signal stored in the memory unit to said ***content-server***.

In the same field of endeavor, Kukic shows and discloses the claimed system, wherein ***the interface circuit*** transmits ***at least one*** test signal stored in the memory unit to said ***content-server*** (Fig. 1 that shows a transmitter 24 and a receiver 36; paragraph 0011 which discloses a method for determining link characteristics in order to calculate the optimal data rate for a group of links, by transmitting a test signal over the link).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an interface circuit that transmits at least one test signal stored in the memory unit to said content-server, as taught by Kukic, in the system of Murray et al., as modified by Redfern and Kloninger et al., so as to determine the data rate the remote station is capable of handling.

Consider **claim 23**, and **as it applies to claim 20 above**, Murray et al., as modified by Redfern, Kloninger et al., and Kukic, further disclose the claimed ***virtual electronic teaching system***, wherein an intelligent operating element (***BT***) is connected to the interface circuit (***SS***) (in Murray et al. reference, Fig. 1 that shows trainee laptops 32 connected to remote site hub router 34; column 7, lines 1-3 disclose the same details).

**Claims 21 and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Okamoto et al. (U.S. Patent Application Publication # 2008/0235427 A1)**.

Consider **claim 21**, and **as it applies to claim 20 above**, Murray et al., as modified by Redfern, Kloninger et al. and Kukic, disclose the claimed ***virtual electronic teaching system***, except wherein the interface circuit (***SS***) ***further*** comprises a hard disk, as well as at least one of each type of conventional plug-type connectors (***COM***, ***USB***) for connection of the telecommunication device (***TE***) to the workstation (***AP***).

In the same field of endeavor, Okamoto et al. show and disclose the claimed ***virtual electronic teaching system***, wherein the interface circuit further comprises a hard disk, as well as at least one of each type of conventional plug-type connectors

(COM, USB) for connection of the telecommunication device (TE) to the workstation (AP) (Fig. 2 that shows an I/O card 20 (interface circuit) that comprises a microprocessor 200, read-only memory 202, and a 9-pin plug-in connector for plugging into the card interface 11 in the host (PC or workstation) 10; paragraphs 0027-0031 disclose the details of the I/O card 20 and host 10, **with paragraph 0029 further disclosing that a USB (Universal Serial Bus) interface is also provided for I/O card 20; furthermore, paragraph 0003 discloses that there are some PC cards (I/O cards) that function as a modem card, a network card, a hard disk drive, etc.).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an interface circuit with a hard disk, as well as at least one of each type of conventional plug-type connectors (COM, USB) for connection of the telecommunication device (TE) to the workstation (AP), as taught by Okamoto et al., in the virtual electronic teaching system of Murray et al., as modified by Redfern, Kloninger et al., and Kukic, so as to provide added network interface and storage capability built into a PC (remote user workstation).

Consider **claim 24**, and **as it applies to claim 20 above**, Murray et al., as modified by Redfern, Kloninger et al., and Kukic, disclose the claimed virtual electronic teaching system, except wherein the interface circuit is designed as a plug-in card for a network station or a PC.

In the same field of endeavor, Okamoto et al. show and disclose the claimed virtual electronic teaching system, wherein the interface circuit is designed as a plug-in

card for a network station or a PC (Fig. 2 that shows a plug-in I/O card 20 for a host (PC) 10; paragraphs 0002-0003 disclose an electronic device (PC) with interface 11 to plug-in card 20; further disclosing that some such PC plug-in cards function as a modem card, a network (LAN) card, a hard disk drive, a transmitter, etc.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to design an interface circuit as a plug-in card for a network station or a PC, as taught by Okamoto et al., in the virtual electronic teaching system of Murray et al., as modified by Redfern, Kloninger et al., and Kukic, so as to provide added network interface and storage capability built into a PC.

Consider **claim 25**, and **as it applies to claim 24 above**, Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., further disclose the claimed virtual electronic teaching system, wherein the plug-in card comprises at least one microprocessor (**MP**) and a LAN interface designed as a bus interface (in Okamoto et al. reference, Fig. 2 that shows a Processor module 200 and different interfaces of the I/O card 20, including I/O bus interface 204 and External interface 205; paragraphs 0027 and 0029 further describe the I/O card 20 as a plug-in card for host 10 (a PC), that also includes basic driver 141 for initializing card 20 and other standard device drivers 142; further disclosing that a system I/O register pre-stores plug-and-play information necessary for realizing a plug-and-play functionality for the I/O card 20; and further disclosing that the card can be used as a LAN interface with 4-bit data bus DAT0-3);

wherein the LAN interface is connected to a PCI bus transmitting control information (in Murray et al. reference, Fig. 1; column 4, lines 37-45 which disclose that router 20 comprises network interfaces resident on port adapters, that provide a connection between the router's Peripheral Component Interconnect (PCI) busses and external networks, supporting plurality of interfaces, such as Ethernet, Token Ring, FDDI, ATM, serial, ISDN, and HSST);

wherein a network station or a PC constitutes a host system (in Okamoto et al. reference, Fig. 2 that shows a PC with a plug-in I/O (LAN) card 20 acting as a host system; paragraphs 0027 and 0029 disclose the same details).

Consider **claim 26**, and **as it applies to claim 25 above**, Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., further disclose the claimed virtual electronic teaching system, wherein said plug-in card is detected as a LAN card by a plug and play function or by standard drivers when said plug in card is plugged into said host system (in Okamoto et al. reference, Fig. 2 that shows an initialization basic driver 141 for initializing the I/O card 20 when the I/O card is plugged into the card interface 11, and device drivers 142 in the host 10; paragraphs 0027 and 0029 further describe the I/O card 20 as a plug-in card for host 10, that also includes basic driver 141 for initializing card 20 and other standard device drivers 142; further disclosing that a system I/O register 22 pre-stores plug-and-play information necessary for realizing a plug-and-play functionality for the I/O card 20; and further disclosing that the I/O card 20 is used as a LAN interface).



**Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Okamoto et al. (U.S. Patent Application Publication # 2008/0235427 A1)** and further in view of **Rothman et al. (U.S. Patent Application Publication # 2005/0027954 A1)**.

Consider **claim 22**, and as it applies to **claim 21** above, Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., disclose the claimed virtual electronic teaching system, except wherein a read-only memory (**SP**) is exchangeable.

In the same field of endeavor, Rothman et al. show and disclose the claimed virtual electronic teaching system, wherein a read-only memory is exchangeable (Fig. 7, removable storage unit 722 and interface 720; paragraph 0063 which discloses a removable storage unit 722 and an interface 720, wherein the removable storage unit may be an EPROM (Erasable Programmable ROM), or Flash memory 100 and associated socket which allow software and data to be transferred from removable storage unit 722 to computer system 700).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a read-only memory that is exchangeable,

as taught by Rothman et al., in the virtual electronic teaching system of Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., so as to provide added additional non-volatile storage to the computer system.

**Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Okamoto et al. (U.S. Patent Application Publication # 2008/0235427 A1)** and further in view of **Klingman (U.S. Patent Publication # 5,799,285)**.

Consider **claim 27**, and as it applies to **claim 24 above**, Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., disclose the claimed virtual electronic teaching system, except wherein said plug-in card comprises a call number memory with a number of participants or network stations authorized to access data, wherein, depending on a transmitted call number, the call number is verified or the connection is established to the authorized caller.

In the same field of endeavor, Klingman shows and discloses the claimed virtual electronic teaching system, wherein said plug-in card comprises a call number memory with a number of participants or network stations authorized to access data, wherein, depending on a transmitted call number, the call number is verified or the connection is

established to the authorized caller (Fig. 1, memory 22 that is used to store a list of sellers' Caller IDs and related data; Fig. 4 shows similar memory 158 for buyers; column 7, lines 1-25 disclose caller ID that provides security features by allowing call-back confirmation and cross-checking the caller's ID with the information (telephone number) provided by a registered caller, before establishing a connection; column 14, lines 42-67 describe the same details for a buyer).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a call number memory with a number of participants or network stations authorized to access data, wherein, depending on a transmitted call number, the call number is verified or the connection is established to the authorized caller, as taught by Klingman, in the virtual electronic teaching system of Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., so as to provide added secure connections to the authorized users for access to the proprietary data.

**Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Okamoto et al. (U.S. Patent Application Publication # 2008/0235427 A1)** and further in view of **Stephenson et al. (U.S. Patent Publication # 2007/0136480 A1)**.

Consider **claim 28**, and **as it applies to claim 24 above**, Murray et al., as modified by Redfern, Kloninger et al., Kucic, and Okamoto et al., disclose the claimed virtual electronic teaching system, except wherein the plug-in card automatically breaks a connection in case of a pause in transmission lasting longer than a pre-selected waiting time, and restores the connection when data are once again pending.

In the same field of endeavor, Stephenson et al. disclose the claimed virtual electronic teaching system, wherein the plug-in card automatically breaks a connection in case of a pause in transmission lasting longer than a pre-selected waiting time, and restores the connection when data are once again pending (paragraph 0058 which discloses that if a client detects that the connection to a server is broken, it will immediately re-establish the connection with another post operation; paragraph 0082 which further discloses that the reasons for terminating a connection include extended delay between transmission and receipt of the communication, loss of connection, end of data transmission by a client, etc.; paragraph 0096 which teaches that the breaks in communications may be determined by the client or the server through monitoring heartbeat signals, connection signals, lack of communication beyond a set amount of time, etc.; further disclosing that as long as the client has not requested a disconnection, the client and server may take immediate action to reestablish communications by client initiating a post operation and the server changing state to reconnect, however, after an extended period of time of inactivity, the client or server will give up and terminate the connection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to automatically break a connection in case of a pause in transmission lasting longer than a pre-selected waiting time, and restore the connection when data are once again pending, as taught by Stephenson et al., in the virtual electronic teaching system of Murray et al., as modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., so as to maintain the connection even after temporary disruption in the network.

**Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Murray et al. (U.S. Patent Publication # 6,356,943)** in view of **Redfern (U.S. Patent Publication # 7,313,130 B2)** and further in view of **Kloninger et al. (U.S. Patent Application Publication # 2004/0073596 A1)** and further in view of **Kukic (U.S. Patent Application Publication # 2003/0169780 A1)** and further in view of **Okamoto et al. (U.S. Patent Application Publication # 2008/0235427 A1)** and further in view of **Pattabhiraman et al. (U.S. Patent Publication # 2002/0059408 A1)**.

Consider **claim 29**, and as it applies to **claim 24 above**, Murray et al., as modified by Redfern, Kloninger et al. and Okamoto et al., disclose the claimed virtual electronic teaching system, except wherein, depending on a bandwidth demand, the plug-in card automatically activates additional communication channels to achieve dynamic channel management and bandwidth control.

In the same field of endeavor, Pattabhiraman et al. disclose the claimed virtual electronic teaching system, wherein, depending on a bandwidth demand, the plug-in card automatically activates additional communication channels to achieve dynamic channel management and bandwidth control (Fig. 1 that shows an arbiter node 121 allocating bandwidth for dynamic channels passing over a shared channel of a network; paragraph 0052 which discloses allocating shared communication capacity to different network nodes in order to establish bandwidth control and maintain QoS; Further disclosing that these channels are referred to as "dynamic" channels to reflect their characteristics of not necessarily having a constant demand for data capacity; paragraphs 0056 and 0058 which further disclose that management of the dynamic channels involves both provisioning of channels (creation and termination of channels), as well as bandwidth management (allocation and de-allocation of bandwidth within the shared channel); further disclosing an arbiter node 121 (in Fig. 1) that includes a CAC (connection admission control) module 180, responsible for creating and terminating dynamic channels; when a representative node C 120 initiates creation of a new inbound dynamic channel 142, it makes a channel request 160 to CAC, and if CAC admits the requested channel, it updates channel data 175 according to request).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to automatically activate additional communication channels to achieve dynamic channel management and bandwidth control, as taught by Pattabhiraman et al., in the virtual electronic teaching system of Murray et al., as

modified by Redfern, Kloninger et al., Kukic, and Okamoto et al., so as to equitably distribute available bandwidth among all the participating nodes in the network.

### ***Response to Arguments***

Applicant's arguments filed 06/02/2009 have been fully considered but they are not persuasive. The examiner's cited prior art references do adequately disclose each and every claim element, rendering the amended claims obvious and therefore non-novel. The examiner's response to the applicant's argument is shown below:

On page 7 of the "REMARKS" section, the applicant argues that none of the cited prior art references are classified in the same technical field as the present application. Most of the examiner's selected references are in classes 709 (Networking) and 370 (Multiplex Communications), which are the most appropriate classes for the type of invention under consideration.

The applicant further argues that none of the cited prior art reference concerns electronic teaching system. The examiner respectfully disagrees with the applicant's argument. The primary reference (Murray et al.) cited by the examiner is titled "Distance Learning Implementation" and is entirely devoted to remote electronic teaching system, using telecommunication equipment.

On pages 7-9 of the remarks, the applicant has listed the details of his invention and described how the disclosure offers many advantages. The examiner would like to state that only the content of claims is under prosecution, not all the details contained in the disclosure. The examiner has carefully reviewed the claims and responded with an

office action based on the best prior art found during the limited search time allocated to this case. Any superior features of the invention disclosed in the specification, but not contained in the claims, are not being reviewed in the office action.

Pages 10-20 of the remarks include details from the cited prior art references used to reject the claims, and arguments as to how these references do not teach about virtual electronic teaching. The examiner would like to remind the applicant that the claimed invention may have intended use in the virtual electronic teaching, but it uses the same telecommunication equipment that is described in the cited references. Therefore, the examiner is justified in using these references, since all the claimed elements that make up the claims in the instant applications, have been previously disclosed in the cited prior art in different combinations.

The examiner has therefore concluded that none of the amended claims are novel, as they are all obvious to the cited prior art, and therefore are not allowable in their present form. Thus, **claims 15-29 remain rejected.**

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



Art Unit: 2443

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit: 2443

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Friday from 6:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*/K. G. B./*  
*Examiner, Art Unit 2443*

August 28, 2009

*/George C Neurauter, Jr./*  
*Primary Examiner, Art Unit 2443*